IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 3711 of 2006()

CRA.305/2004 of I ADDL. SESSIONS COURT, PALAKKAD
ST.4349/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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REVN. PETITIONER/ APPELLANT/ACCUSED:

NARAYANAN, AGED 48 YEARS,
S/O.KUNJAN, NAMBIARUTHODI, MANGALAM AMSOM,
OTTAPPALAM TALUK.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS/RESPONDENTS/STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. K.L.CHAMIKUTTY, S/O. LAXMANAN MUTHALI,
PRASHANTI VIHAR, MUTHALIYAR THERUVU,
KANIYAMPURAM, OTTAPPALAM.

BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 3711 OF 2006

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Dated this the 24th November , 2006

O R D E R

The petitioner was found guilty of the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for three months and to pay compensation of Rs.40,000/- under section 357(3) of the Code of Criminal Procedure and in default of payment of compensation, to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction . However the sentence was modified and reduced to simple imprisonment for one month. The direction to pay compensation of Rs.40,000/- was confirmed. But the period of imprisonment to be undergone by the petitioner on default of payment of compensation was enhanced to two months by the appellate court.

2. Learned counsel for the petitioner submitted that the sentence of imprisonment for one month would be harsh in the facts and

circumstances of the case and that the petitioner is prepared to pay the amount of compensation of Rs.40,000/- within a period of two months.

3. Since the conviction is not being interfered, I do not think that notice need be issued to the second respondent/complainant. Taking into account the facts and circumstances of the case and nature of the offence, I am inclined to reduce the sentence of imprisonment to imprisonment till the rising of the court. The direction to pay compensation of Rs.40,000/- and imprisonment on default of payment, is confirmed. However, the petitioner is granted two months' time to pay the amount of compensation. The petitioner shall appear before the trial court on 14.12.2006 to serve the sentence of imprisonment till the rising of the court. He shall also continue to appear as may be directed by the trial court till the amount of compensation is paid.

Crl. Revision Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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